



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,510	07/18/2007	Gilles Merle	274880US2PCT	3879
22850	7590	07/14/2010		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
TOLENTINO, RODERICK				
ART UNIT		PAPER NUMBER		
2439				
NOTIFICATION DATE		DELIVERY MODE		
07/14/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

Office Action Summary

Application No.

10/541,510

Applicant(s)

MERLE ET AL.

Examiner

Roderick Tolentino

Art Unit

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 20-38 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 18 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/GS/8)
Paper No(s)/Mail Date 09/15/2005
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 20 – 38 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 30 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The claims limitation “means for subdividing,” “means for assigning,” “means for scrambling” and “means for defining” uses the phrase “means for” or “step for”, but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because the specification fails to point out the structure that goes along with the step that is being performed.
4. If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that the phrase “means for” or “step for” is clearly **not** modified by sufficient structure, material, or acts for performing the claimed function.
5. If applicant **does not** wish to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that it will clearly not

be a means (or step) plus function limitation (e.g., deleting the phrase "means for" or "step for").

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 20 – 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Harada et al. U.S. PG-Publication No. (2003/0007640).

8. As per claim 20, Harada discloses at a transmission, each block of a family is scrambled by a key associated with the family, defined as a function of a specific processing capacity and a level of security of the respective deciphering modules (Harada, Paragraph 0192, data divided into blocks then encrypted and unique key encrypts each block) and at a reception, each block of a family is descrambled by the key associated with the family (Harada, Paragraph 0008, decryption unit).

9. As per claim 21, Harada discloses the descrambling modules are different peripheral elements associated with the receiver terminal (Harada, Paragraph 0079, transmit data to a phone).

10. As per claim 22, Harada discloses the descrambling modules comprise different algorithms (Harada, Paragraph 0008, decryption unit).
11. As per claim 23, Harada discloses the descrambling modules comprise identical algorithms (Harada, Paragraph 0008, decryption unit).
12. As per claim 24, Harada discloses the data to be distributed are in a form of a previously stored file (Harada, Paragraph 0080, digital file on server ready for distribution).
13. As per claim 25, Harada discloses the data to be secured are in a form of a broadcast or downloaded stream and processed in real time by the terminal (Harada, Paragraph 0080, digital file on server ready for distribution).
14. As per claim 26, Harada discloses a duration of use of the stream is divided into crypto periods, each corresponding to a descrambling key, and wherein prior to each start of the crypto period a message is inserted into the stream so as to warn the descrambling module of the change in crypto period (Harada, Paragraph 0008, decryption unit).
15. As per claim 27, Harada discloses the message comprises all information necessary for descrambling the stream utilized during the following crypto period (Harada, Paragraph 0008, decryption unit).
16. As per claim 28, Harada discloses the data represent audio and/or video programs protected by a DRM system (Harada, Paragraph 0080, digital file on server ready for distribution).

17. As per claim 29, Harada discloses the data represent images synthesis or anime drawings (Harada, Paragraph 0080, digital file on server ready for distribution, anime drawings are merely intended use).

18. As per claim 30, Harada discloses means for subdividing the data into M distinct families of N blocks; means for assigning each family a specific identification parameter associated with at least one descrambling module having a specific processing capacity and a specific level of security and means for scrambling each block by a key in biunivocal relation with the parameter (Harada, Paragraph 0192, data divided into blocks then encrypted and unique key encrypts each block), and a descrambling platform comprising means for identifying the family of each block so as to descramble each block of a family by the descrambling module corresponding to the parameter (Harada, Paragraph 0008, decryption unit).

19. As per claim 30, Harada discloses the descrambling modules are distinct peripherals associated with the receiver terminal (Harada, Paragraph 0080, transmit data to a phone and decrypted by the phone).

20. As per claim 32, Harada discloses means for subdividing the stream into M distinct families of N blocks, means for assigning each family a specific identification parameter associated with at least one descrambling module having a specific processing capacity and a specific level of security (Harada, Paragraph 0008, decryption unit), means for defining for each module a key as a function of the processing capacity and a degree of security; and means for scrambling each block belonging to a family by a key in biunivocal relation with the parameter (Harada,

Paragraph 0192, data divided into blocks then encrypted and unique key encrypts each block).

21. As per claim 33, Harada discloses means for identifying the family of each block so as to descramble each block of a family by the descrambling module corresponding to the parameter (Harada, Paragraph 0192, data divided into blocks then encrypted and unique key encrypts each block).

22. As per claim 34, Harada discloses a plurality of distinct descrambling modules each identified by the specific identification parameter (Harada, Paragraph 0008, decryption unit).

23. As per claim 35, Harada discloses the receiver terminal is a PDA and one of the descrambling modules is integrated into the PDA, and at least a second descrambling module is a smart card of SIM type connected to the PDA (Harada, Paragraph 0080, phone with memory card).

24. As per claim 36, Harada discloses for securing a video-on-demand service (VOD) (Harada, Paragraph 0080, music on demand).

25. As per claim 37, Harada discloses for securing a music-on-demand service (MOD) (Harada, Paragraph 0080, music on demand).

26. As per claim 38, Harada discloses for securing access to a broadcast service for electronic books either online or downloaded from portable media (Harada, Paragraph 0080, digital work to a mobile phone).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roderick Tolentino
Examiner
Art Unit 2439

/R. T./
Examiner, Art Unit 2439

**/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2439**